
EXPIRATION DATE:
August 20, 2004

PERMIT NO:
85-VP-05g

SHASTA COUNTY
AIR QUALITY MANAGEMENT DISTRICT

SIERRA PACIFIC INDUSTRIES, BURNEY DIVISION
(Applicant)

IS HEREBY GRANTED A
TITLE V OPERATING PERMIT
SUBJECT TO CONDITIONS NOTED

COGENERATION FACILITY
(Nature of Activity)

AT: **36336 HIGHWAY 299 EAST, BURNEY, CA 96013**
(Assessor's Parcel No. xxxxxxxxx)

DATE ISSUED: August 20, 1999

APPROVED: _____
Air Pollution Control Officer

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EQUIPMENT LIST

1 Each - 200,000 lbs/hr. Riley Stoker Corp. Wood-Fired Boiler
1 Each - Ash Reinjection System
1 Each - Three-Field Electrostatic Precipitator
1 Each - Multiclone Mechanical Dust Collector
1 Each - 36,000 scfm Blower with 36" diameter Blow Pipe
1 Each - 11.5ft. diameter High Efficiency Cyclone
1 Each - 47 Unit Shavings Bin
1 Each - 6ft. diameter Chipper Discharge Cyclone
1 Each - 2600 scfm Chipper/Blower (150 H.P.)

Insignificant Emissions Sources

1 Each - Solvent Degreasing Tank
1 Each - 3000 gal. Above Ground, Gasoline Storage Tank

EMISSION LIMITS AND STANDARDS

1. No person shall discharge contaminants from any single source into the atmosphere in amounts greater than those designated below (unless governed by EPA New Source Performance Standard). All emissions are to be measured by methods approved for use by the Air Pollution Control Officer (APCO). Any method approved by the U.S. Environmental

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Protection Agency (EPA) and/or the California Air Resources Board (CARB) is approved for use by the APCO:

- a. **Combustion Particulate Matter**^{1,2} 0.10 gr/dscf
- b. **Particulate Matter Less Than or Equal to 10 in Size**^{1,2} 0.05 gr/dscf
- c. **All Other Particulate Matter**^{1,2} 0.15 gr/dscf
- d. **Maximum Hourly Particulate Matter (E) as a Function of Process Weight (P_t) in Tons Per Hour**
 Where E = lbs/hr
 Less Than or Equal to 30 Tons/Hour.....E = 4.1 P_t^{.67}
- e. **Oxides of Sulfur (as SO₂)**^{1,2,3} 300 ppm
- f. **Oxides of Nitrogen (as NO₂)**^{1,2,3} 250 ppm
- g. **Opacity**⁴
 Ringelmann #2 and/or 40% equivalent opacity pursuant to California Health & Safety Code (CHSC) Section 41701

Footnotes:

- 1 Calculated at standard conditions: 70° F, one atmosphere, dry gas basis.
- 2 When the emissions are generated by a combustion process, the gas volume shall be corrected to 12% CO₂ at standard temperature and pressure.
- 3 The APCO may specify an appropriate correction and/or reporting factor depending upon the type of process involved.
- 4 This requirement does not apply to smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fuels when the emission result from startup or shutdown of the combustion process or from the malfunction of emission control equipment. However, this exemption does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.

[SCAQMD Rule 3:2, Specific Air Contaminants, 54 FR 14650, 4/12/89]

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2. A person shall not discharge more than forty (40) pounds of photochemically reactive solvents into the atmosphere in any one day from any article, machine, equipment, or other contrivance used for employing, applying, evaporating, or drying any photochemically reactive solvent, as defined in District Rule 1:2, or material containing such solvent, unless all photochemically reactive solvents discharged from such article, machine, equipment, or other contrivance have been reduced either by at least 85 percent overall **or** to not more than forty (40) pounds in any one day. The provisions of this condition shall not apply to:
 - a. The spraying or other employment of insecticides, pesticides, or herbicides.
 - b. The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.
 - c. The employment or application of polyester resins or acetone used in a fiberglass reinforced plastics operation.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical groups, i.e., the groups having the least allowable percent of the total of solvents.

[SCAQMD Rule 3:4, Industrial Use of Organic Solvents, 49 FR 47491, 10/3/84]

3. With respect to stack opacity, the provisions of CHSC 41701 and 41704 shall apply at all times. The visible emissions from the boiler stack, other than uncombined water vapor, shall not exceed 40% opacity for more than three minutes in any one hour except for periods of start-up or shutdown totaling less than thirty (30) minutes per boiler in any 24 hour period. In addition, the provisions of the New Source Performance Standards Subpart Db (40 CFR Part 60.43c) shall apply at all times. The visible emissions from the stack, other than uncombined water vapor, shall not exceed 20% opacity in any six (6) minute averaged period except for one 6-minute period per hour of not more than 27% average opacity. This subpart does not apply during periods of start-up, shut-down, or malfunctions as defined by 40 CFR 60.2.

(District Permit 85-PO-05g, Condition 18)

4. Concentrations of particulate matter in the stack effluent discharge shall not exceed 0.013 gr/dscf calculated at standard conditions and 12 percent CO₂. Emitted particles less than

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10 microns in size shall not exceed a grain loading of 0.012 gr/dscf at standard conditions. (CARB Method 5, front and back half included.)

[District Permit 85-PO-05g, Condition 21]

5. Best Available Control Technology (BACT) for particulate matter shall be defined as the use of a multiclone collector followed by an electrostatic precipitator. These devices must be of sufficient efficiency to insure that condition #4 is complied with on a continuous basis.

[District Permit 85-PO-05g, Condition 22]

6. BACT for oxides of nitrogen (NO_x), carbon monoxide (CO), and hydrocarbons (HC) shall be defined as the use of staged combustion, control of overfire and underfire air, control of combustion temperatures, control of excess air rate, and control of fuel types and feed rate. The above control technologies shall be used at all times to ensure compliance with the provisions of this permit.

[District Permit 85-PO-05g, Conditions 22 and 23]

7. The following emission limitations must be complied with:
 - a. Emissions of NO_x shall not exceed 50 pounds per hour in any three hour averaged period and shall be limited to 210 tons per calendar year as determined by emission data obtained from the continuous emission monitoring system at the facility;
 - b. Emissions of CO shall not exceed 369 pounds per hour in any 24 hour averaged period and shall be limited to 1550 tons per calendar year as determined by emission data obtained from the continuous emission monitoring system at the facility;
 - c. Emissions of HC shall not exceed 120 tons per calendar year as determined by emission testing conducted in accordance with EPA Method 18/25A on a schedule pursuant to condition #16;

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- d. Emissions of SO_x shall not exceed 10 tons per calendar year as determined by CARB Method 100 or EPA Method 6 on a schedule pursuant to condition #16;
- e. Emissions of particulate matter shall not exceed 40 tons per calendar year as determined by emission testing conducted in accordance with CARB Method 5, including filter catch, probe catch, impinger catch, and solvent extract on a schedule pursuant to condition #16;

[(District Permit 85-PO-05g, Condition 24); SCAQMD Rule 5]

- 8. Fugitive emissions, including but not limited to any of the following, shall be controlled at all times such that a public nuisance is not created at any point beyond the plant property line:
 - a. Dust from unpaved roads or any other non-vegetation-covered area;
 - b. Fugitive sawdust from fuel-pile areas or fuel-handling devices; all drop points for fuel must include provisions for minimizing fugitive emissions.
 - c. Fugitive ash from the reinjection systems.
 - d. Char and/or bottom ash which is processed by the char handling system or is removed from the boiler by other means. Such ash shall be stored in closed containers and disposed of in such a manner so as to not create a public nuisance. Ash shall be transported in a wet condition in covered containers at all times. It shall be the responsibility of the plant owner/operator to insure that any and all contract or company carriers adhere to this condition.
 - e. All outside surfaces, including but not limited to the main building, boilers, electrostatic precipitators, support pads, road areas, etc., shall be cleaned on a regular basis to prevent the build-up of ash and/or fugitive dust.

[District Permit # 85-PO-05g, Condition 30]

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OPERATING CONDITIONS

9. The permittee shall obtain the approval of the APCO prior to using a halogenated solvent in the cold cleaning solvent degreaser.

[40 CFR Part 63, Subpart T, MACT Standards for Halogenated Solvent Cleaning Operations]

10. Wood waste fuel and a mixture of wood waste with almond hulls (not to exceed five(5) percent by weight) shall constitute the only fuels allowed for use at this facility. Any other fuel usage must receive prior approval from the APCO.

[District Permit 85-PO-05g, Condition 16]

11. Wood fuel shall not be charged to the combustion unit at a rate which exceeds 36.5 tons per hour on an as-fired basis.

[District Permit 85-PO-05g, Condition 17]

12. Combustion of wet fuel, i.e., fuel with moisture content greater than or equal to 55 percent, shall not be considered as an affirmative defense to an excess emission condition. Use of such fuels is a foreseeable occurrence, and as such, compliance with all permit limits and District regulations shall be required at all times unless the APCO has determined that the cause of the wet fuel condition is due to an unavoidable or emergency situation.

[District Permit #85-PO-05g, Condition 28]

13. The owner/operator shall utilize the following procedures that will minimize the moisture content of the wintertime fuel to assure that emission limitations required in condition #7 are met at all times:

- a. Fuel piles shall be sloped and groomed to maximize rain runoff;
- b. Fuel blending shall be conducted to assure a fuel feed that provides for efficient combustion in the boiler;

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- c. Adequate yard area shall be maintained between fuel piles to allow for sufficient fuel blending;
- d. Fuel inventory shall be increased by the end of August each year in anticipation of winter month fuel storage.

[District Permit #85-PO-05g, Condition 29]

TESTING, MONITORING AND REPORTING

14. The owner/operator shall install and maintain continuous monitoring devices for the following pollutants or operation parameters:

- a. Opacity of stack effluent;
- b. Carbon monoxide (CO); and
- c. Oxides of nitrogen (NO_x).

The continuous monitoring devices shall meet all applicable federal design and quality assurance requirements specified in Federal Register Parts 40 CFR 60.13, 40 CFR 60 (Appendix F), and 40 CFR 60 (Appendix B, Specifications 1, 2, and 4).

The continuous emission monitors shall be equipped with recorders which yield hard-copy printouts of all measurements taken. These monitors shall be on line at all times that the boiler is in operation. The monitors and recorders shall be calibrated and maintained in good operating condition at all times.

(District Permit 85-PO-05g, Condition 19)

15. The owner/operator shall install and maintain the proper devices needed to monitor the operation of the combustion devices and control devices including but not limited to:

- a. Oxygen content of combustion gases;
- b. Draft pressures;

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- c. Inlet temperature of electrostatic precipitator;
- d. Steam production rates;
- e. Power-generation rates.

[District Permit 85-PO-05g, Condition 20]

16. Periodic stack testing shall be required as determined by District Rule 2:11.a.3.(f). Results of the stack tests shall be forwarded to the District for review and compliance verification.

[District Permit #85-PO-05g, Condition 25]

17. Monthly emission reports shall be required for the cogeneration facility. Note, all times of inoperation shall be excluded from the averages. The report shall be submitted by the 15th of the month following data recording and shall include:
- a. The daily average of all hourly CO and NOx emissions expressed in pounds per hour;
 - b. The monthly average of the above emissions;
 - c. Notification of all periods of six (6) minutes and longer in duration when opacity exceeds 20 percent and the reason for the excursion;
 - d. Notification of all twenty four-hour averaged periods when CO emissions exceed 369 pounds per hour and the reason for the excursion;
 - e. Notification of all three-hour averaged periods when NOx emissions exceed 50 pounds per hour and the reason for the excursion;
 - f. Notification of all periods when the continuous emission monitors were not functioning and the reasons for the same;
 - g. If no permit limitations have been exceeded, the report must so state.

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[District Permit #85-PO-05g, Condition 27]

18. Emissions exceeding any of the limits established in this permit shall be immediately reported to the APCO:
- a. For scheduled maintenance of a permitted emission source, notice shall be provided to the APCO at least twenty-four (24) hours prior to shutdown, whether or not an emission exceedance is expected.
 - b. The emission source operator shall notify the APCO within four (4) hours of the occurrence of any excess emission and provide information on the time, duration, cause, and extent of the excess emission. Upon the request of the APCO, a full, written report of each occurrence, including a statement of all known causes and the nature of the actions to be taken pursuant to the requirements of Rule 3:10 or Rule 5 shall be submitted to the District.
 - c. Corrective action shall be taken immediately by the operator of the emission source to correct the conditions causing excessive emissions to reduce the frequency of the occurrence of such conditions. In no event shall equipment be operated in a manner that creates excessive emissions beyond the end of the work shift or twenty-four (24) hours, whichever occurs first.
 - d. An emergency constitutes an affirmative defense to any action brought for non-compliance with technology-based emission limits if:
 - 1) The emission source operator can identify the cause(s) of the emergency
 - 2) The permitted facility was at the time being properly operated
 - 3) During the period of the emergency, the emission source operator took all reasonable steps to minimize levels of excess emission, and
 - 4) The emission source operator submitted notice of the emergency to the APCO in accordance with this condition.

(For the purposes of this condition, emergency shall be as defined in Title 40 of the *Code of Federal Regulations*, Part 70, Section 70.6(g); i.e. "any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of

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God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency.")

Within two (2) working days of the emergency event, the permittee shall provide the District with a description of the emergency and any mitigating or corrective actions taken. Within two (2) weeks of an emergency event, the responsible official shall submit to the District a properly signed contemporaneous log or other relevant evidence that contains all the information for what constitutes an emergency (as described above in d.1-4 of this condition).

In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred.

- e. An excess emission occurrence may not avoid enforcement action by the APCO if the occurrence is caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- f. Nothing expressed in this Condition shall be construed to limit enforcement authorities under the Federal Clean Air Act.
- g. Excess emissions during start-up and shut-down shall be considered a violation (except as allowed by Title 40 of the *Code of Federal Regulations*, Part 60, Section 60.8(c)) if the owner or operator cannot demonstrate that the excess emissions are unavoidable when requested to do so by the APCO. The APCO may specify for a particular source the amount, time, duration, and under what circumstances excess emissions are allowed during start-up or shut-down. The owner or operator shall, to the extent practicable, operate the emission source and any associated air pollution control equipment or monitoring equipment in a manner consistent with best practicable air pollution control practices to minimize emissions during start-up and shut-down.

[SCAQMD Rule 3:10, Excess Emissions; SCAQMD Rule 5]

- 19. The permittee shall report any deviation from permit requirements in this Title V Operating Permit, other than emergency events, to the APCO via phone or Fax within 96 hours of the occurrence. A report using District approved forms, for each deviation from the permit requirement shall be prepared by the permittee if requested by the APCO

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within two (2) weeks after the initial detection of the deviation. Unless requested earlier by the APCO, these reports shall be submitted to the APCO as part of the permittee's semiannual monitoring report.

[SCAQMD Rule 5]

20. The permittee shall submit a written monitoring report to the APCO every six months. The reporting periods shall be **August 20 through February 19 and February 20 through August 19**. These reports shall be submitted within 45 days of the end of each reporting period. When no deviations have occurred for the reporting period, such information shall be stated in the report. The monitoring report shall include at a minimum:
- a. A report for each deviation from a permit requirement that occurred during the reporting period, including emergency events. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken. The permittee shall use District approved forms to report each deviation from permit requirements.
 - b. Results from any emission testing done during the reporting period if not provided earlier to the District immediately following the test.
 - c. A Certification Report form (Form 5-J1), which includes a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report.

[SCAQMD Rule 5]

21. The permittee shall submit compliance certification reports to the U.S. EPA and the APCO every twelve months. The report shall be submitted before the permit renewal date. The permittee shall use District approved forms for the compliance certification and shall also

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include a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report.

[SCAQMD Rule 5]

22. The permittee shall test for the particulate emissions limits specified in Condition 64 upon the request of the APCO. If testing is conducted, the permittee shall conduct the test in accordance with the methodologies contained in CARB Methods 1 through 5 or subsequent or approved alternative methods.

[SCAQMD Rule 5]

23. Records of all monitoring equipment maintenance and support information shall include the following: 1) date, place, and time of measurement or monitoring equipment maintenance activity; 2) operating conditions at the time of measurement or monitoring equipment maintenance activity; 3) date, place, name of company or entity that performed the measurement or monitoring equipment maintenance activity and the methods used; and 4) results of the measurement or monitoring equipment maintenance. All monitoring and support information shall be retained for at least five years from date of collection, measurement, report, or application.

[SCAQMD Rule 5]

24. The owner or operator shall provide written notification of any physical or operational change to the facility that may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR Part 60.14(e). This notice shall be post marked 60 days or as soon as practical before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The District may request additional information subsequent to this notice.

[40 CFR Part 60.7(a)4]

25. The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements, all continuous monitoring system performance evaluations, all continuous monitoring system or monitoring device calibration checks, adjustments and maintenance performed on these systems or devices; and all other

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information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 years following the date of such measurements, maintenance, reports and records.

[40 CFR Part 60.7(f), District Rule 5]

26. The permittee shall provide the APCO at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the APCO the opportunity to have an observer present.

[40 CFR Part 60.8(d)]

27. The permittee shall provide or cause to be provided, testing facilities as follows:
- a. Sampling ports adequate for test methods applicable to such facility. This includes:
 - 1. Constructing the air pollution control system such that volumetric flow rates and pollution emission rates can be accurately determined by applicable test methods and procedures and,
 - 2. Providing stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
 - b. Safe sampling platform(s).
 - c. Safe access to sampling platform(s).
 - d. Utilities for sampling and testing equipment.

[40 CFR Part 60.8.e]

28. Compliance with the opacity standard in this permit shall be determined by conducting observations in accordance with Reference Method 9 in Appendix of 40 CFR Part 60, any

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alternative method that is approved by the APCO, or from the continuous opacity monitoring system as provided in 40 CFR Part 60.11(e)(5).

[40 CFR Part 60.11(b)]

29. The span value for the continuous measuring system for measuring opacity shall be between 60 and 80 percent.

[40 CFR Part 60.48b((e)(1)]

30. When nitrogen oxides emission data are not obtained because of continuous monitoring system breakdown, repairs, calibration checks and zero and span adjustments, emission data shall be obtained by using standby monitoring systems, Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating operating days.

[40 CFR Part 60.48b((f),(g)]

31. The owner or operator shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for each calendar quarter. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each month.

[40 CFR Part 60.49b(d)]

32. The owner or operator shall maintain records of opacity to demonstrate compliance with Condition 3 of this permit.

[40 CFR Part 60.49b(f)]

STANDARD CONDITIONS

33. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated

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air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

[40 CFR Part 60.11(d)]

34. Upon notification from the APCO, the permittee will abate any air-quality-related nuisance associated with the equipment defined under this Permit or from any process which is indirectly or directly associated with such equipment.

[District Permit #85-PO-05g, Condition 26]

35. The permittee shall comply with all permit conditions of this Title V operating permit.

[SCAQMD Rule 5]

36. The permit does not convey property rights or exclusive privilege of any sort.

[SCAQMD Rule 5]

37. The non-compliance with any permit condition herein is grounds for Title V Operating Permit and District Permit to Operate termination, revocation, modification, enforcement action, or denial of permit renewal.

[SCAQMD Rule 5]

38. This permit may be modified, revoked, reopened and reissued, or terminated for cause as determined by the District.

[SCAQMD Rule 5]

39. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[SCAQMD Rule 5]

40. A pending permit action or notification of anticipated non-compliance does not stay any

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permit condition.

[SCAQMD Rule 5]

41. Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining: (1) Compliance with the permit, or (2) Whether cause exists for a permit or enforcement action.

[SCAQMD Rule 5]

42. Any person who is building, erecting, altering, or replacing any article, machine, equipment or other contrivance, or multi-component system including same, portable or stationary, and who is not exempt under Section 42310 of the *California Health and Safety Code*, the use of which may cause the issuance of air contaminants, shall first obtain written authority for such construction from the APCO.

[SCAQMD Rule 2:1A, Permits Required 54 FR 26381, 6/18/82]

43. Before any article, machine, equipment or other contrivance, or multi-component system including same, portable or stationary, not exempt under Section 42310, the use of which may cause the issuance of air contaminants, may be operated or used, a written permit shall be obtained from the APCO.

[SCAQMD Rule 2:1A]

44. Where an application for or issuance of a permit is pending or in the event of an emergency occurring as a result of an excusable malfunction of a device under permit, the APCO may authorize the operation of the article, machine, equipment, device, or other contrivance or multi-component system for which a permit is sought for periods of time not to exceed sixty (60) days each for the purpose of testing, experimentation, or obtaining necessary data for a permit or correcting a malfunction. No fee or application will be required for such authorization.

[SCAQMD Rule 2:1A]

45. No person shall willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate any article, machine, equipment, or other contrivance.

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[SCAQMD Rule 2:21, Defacing Permit, 37 FR 19812, 9/22/72
(current Rule 2:24)]

46. A person who has been granted a Permit to Operate as described in Rule 2:1A.b. shall firmly affix such permit, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

[SCAQMD Rule 2:23, Posting of Permit to Operate, 54 FR 14650, 9/22/72]

47. All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution that any article, machine, equipment, or other contrivance will produce and that any air pollution control district or any other state or local agency or District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

[SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

48. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

[SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

49. Except as otherwise provided in Condition #50 (below), trade secrets are not public records under this Condition. As used in this Condition, "trade secrets" may include (but are not limited to) any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:
- a. Is not patented,
 - b. Is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, **and**

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- c. Gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

[SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

50. Notwithstanding any other provision of law, all air pollution emission data, including those emission data that constitute trade secrets as defined in subdivision c, are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision, and data that constitute trade secrets and that are used to calculate emission data are not public records.

[SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

51. Pursuant to District Rule 2:16, the Air Pollution Control Officer (APCO) may revoke an existing Authority to Construct and/or Permit to Operate if the applicant and/or permittee violates the conditions of such permit as specified by the APCO. The APCO may reinstate the permit at such time as the applicant and/or permittee shows that the condition(s) previously violated are now being attained. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation that resulted from the failure to meet any permit condition as specified by the APCO.

[SCAQMD Rule 2:26, Revocation of Permit, 54 FR 14650, 4/12/89]

52. Each and every provision of Federal or State law or applicable Air Basin Plan now or hereinafter enacted or as amended that regulates the discharge of any air contaminants is incorporated here by reference. Where such provisions conflict with local rules and regulations, the more restrictive provisions shall apply.

[SCAQMD Rule 3:1, Applicability of State Laws, 42 FR 42223, 8/22/77]

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53. The Regional Administrator of U.S. Environmental Protection Agency (U.S. EPA), the Executive Officer of the California Air Resources Board, the APCO, or their authorized representatives, upon the presentation of credentials, shall be permitted to enter upon the premises:

- a. To inspect the stationary source, including equipment, work practices, operations, and emission-related activity; and
- b. To inspect and duplicate records required by this Permit to Operate; and
- c. To sample substances or monitor emissions from the source or other parameters to assure compliance with the permit or applicable requirements. Monitoring of emissions can include source testing.

[SCAQMD Rule 5]

54. The provisions of this Title V Operating Permit are severable, and, if any provision of this Permit is held invalid, the remainder of this Permit to Operate shall not be affected thereby.

[SCAQMD Rule 5]

55. This Operating Permit shall become invalid five years from the date of issuance. Sierra Pacific Industries, Burney Div. shall apply for renewal of this permit no earlier than 6 months before the date of expiration. Upon submittal of a timely and complete renewal application, this Operating Permit shall remain in effect until the APCO issues or denies the renewal application.

[SCAQMD Rule 5]

56. The permittee shall remit the Title V supplemental annual fee to the district in a timely basis. Failure to remit fees on a timely basis is grounds for forfeiture of this Operating Permit and the District Permit to Operate. Operation without a permit to operate subjects the source to potential enforcement action by the District and the U.S. EPA pursuant to section 502(a) of the Clean Air Act.

[SCAQMD Rule 5]

57. Persons performing maintenance, service, repair or disposal of appliances using CFC's,

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HCFC's, or other ozone-depleting substances must be certified by an approved technician certification program.

[40 CFR Part 82.161, Stratospheric Ozone Protection]

58. Persons opening appliances using CFC's, HCFC's or other ozone depleting substances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.

[40 CFR 82.156, Stratospheric Ozone Protection]

59. Equipment used during the maintenance, service, repair, or disposal of appliances using CFC's, HCFC's or ozone-depleting substances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

[40 CFR 82.158, Stratospheric Ozone Protection]

60. No person shall build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation.

[SCAQMD Rule 3:6, Circumvention, 42 FR 42223, 8/22/77, 40 CFR Part 60.12]

61. This permit is not transferable from either one location to another, one piece of equipment to another, or from one person to another.

[SCAQMD Rule 2:23, Transfer of Permit]

62. Equipment is to be maintained so that it operates as it did when the permit was issued.

[SCAQMD Rule 5]

63. All equipment, facilities, and systems shall be designed to be operated in a manner that minimizes air pollutant emissions and maintains compliance with the conditions of this permit and the regulations of the District.

64. This facility is subject to the applicable New Source Performance Standards codified at 40

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CFR, Subparts A, and Db.

65. The right of entry described in *California Health and Safety Code* Section 41510, Division 26, shall apply at all times.
66. The operating staff of this facility shall be advised of and familiar with all the conditions of this permit.